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Attorneys for Defendants Interstate Battery System of America, Inc., and Interstate Battery System International, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

DENO MILANO.

Plaintiff.

VS.

INTERSTATE BATTERY SYSTEM OF
AMERICA, INC.; INTERSTATE BATTERY
SYSTEM INTERNATIONAL, INC.

Defendants.

Case No. C 10-02125 CW

**STIPULATION TO CONTINUE CASE
MANAGEMENT CONFERENCE AND
HEARING DATE, AND ORDER**

(LOCAL RULE 7-12)

1 Plaintiff Deno Milano and Defendants Interstate Battery System of America, Inc., and Interstate
2 Battery System International, Inc., by and through the undersigned attorneys hereby agree and stipulate
3 as follows:

4 WHEREAS, the current deadline for the parties to file a motion for preliminary approval of class
5 settlement has been once extended and is now set for July 7, 2011, with the corresponding hearing and
6 Case Management Conference set for July 28, 2011.

7 WHEREAS, the parties are using their best efforts to finalize the settlement agreement and the
8 supporting exhibits (including the Class Action Fairness Act notice, settlement notice, flyers to be
9 posted at Interstate Batteries' authorized warranty dealers, and two claim forms). The parties have
10 exchanged drafts of these documents and remain engaged in efforts to complete their overall
11 negotiations and revisions of these documents, and to complete the necessary class notices and related
12 documents.

13 WHEREAS, the parties' settlement agreement is complex because, among other things, it
14 institutes major changes to the Defendants' warranty practices, which has required defense counsel to
15 hold repeated discussions with their clients while drafting the underlying documents, all of which are
16 subject to negotiation between the parties. Because those changes must be carefully executed and
17 ultimately incorporated into the settlement documents, the process of memorializing a final settlement
18 agreement has taken longer than the parties first envisioned.

19 WHEREAS, the parties are nevertheless committed to completing this process during the next
20 four weeks, and do not envision needing to ask the Court for future extensions.

21 **IT IS HEREBY STIPULATED AND AGREED**, by and through the undersigned attorneys for
22 the parties, subject to the Court's approval, that:

23 1. The parties will continue to work diligently to finalize the settlement agreement and exhibits,
24 and to file their motion for preliminary approval of settlement by July 28, 2011;

25 2. The motion for preliminary approval of settlement can be heard on 21 days notice, Local
26 Rule 7-2; and

27 3. The Case Management Conference and hearing scheduled for July 28, 2011, will be
28 continued to August 25, 2011 at 2:00 pm.

1 **IT IS SO STIPULATED.**

2 DATED: June ___, 2011

GIRARD GIBBS LLP

3 By: /s/ Eric H. Gibbs

4 Philip B. Obbard
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8 *Attorneys for Plaintiff*

9 DATED: June ___, 2011

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16 *Attorneys for Defendants*

17 **PURSUANT TO STIPULATION, IT IS ORDERED:**

18 The Court has read and considered the parties' stipulation and orders that:

19 1. The parties shall use their best efforts to finalize the settlement agreement and to file a
20 motion for preliminary approval by July 28, 2011.

21 2. The motion for preliminary approval of settlement can be heard on 21 days notice, Local
22 Rule 7-2; and

23 3. The Case Management Conference and hearing scheduled for July 28, 2011, will be
24 continued to August 25, 2011 at 2:00 pm.

1 Date: 7/7/2011


2 Judge Claudia Wilken
3 United States District Judge
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